

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:08CV01688 CDP
	)	
ONE 1989 HARLEY-DAVIDSON	)	
FXRS SPORTS MOTORCYCLE,	)	
FRAME SERIAL NUMBER	)	
1HD1EGL1XKY110155, et al.	)	
	)	
Defendants.	)	

**GOVERNMENT'S MOTION TO STAY PROCEEDINGS**

Comes now the United States of America, by and through its attorneys, Catherine L. Hanaway, United States Attorney for the Eastern District of Missouri, and Zia M. Faruqui, Assistant United States Attorney for said district, and respectfully moves the court for entry of an order staying the proceedings in this action, pursuant to Title 21, United States Code, Section 881(i) and Title 18, United States Code, Section 981(g)(1), as follows:

1. On November 3, 2008, the United States of America filed a Complaint for Forfeiture regarding the defendant property.
2. On January 15, 2009, the claimant Gerald Dragich, was indicted in cause number 4:09CR32 RWS on the charge of conspiracy to distribute in excess of 1,000 kilograms of a mixture or substance containing a detectable amount of marijuana in violation of Title 21, United States Code, Section 841(a). Count XII of the indictment also sought criminal forfeiture of the defendant property in violation of Title 21, United States Code, Section 853. This property is the exact same property against which the government seeks to forfeit in the instant case.

3. The criminal case now pending involves the same facts as the instant case and will resolve all the issues in the instant case.

4. Additionally, because of the discovery requirements in the instant case, civil discovery will adversely affect the ability of the Government to conduct its criminal case.

WHEREFORE, the Government moves the Court for an order staying the civil proceedings in the above-styled cause pursuant to Title 21, United States Code, Section 881(i) and Title 18, United States Code, Section 981(g)(1), until the disposition of United States v. Edward John Boroughf, et al., 4:09CR32 RWS.

Respectfully submitted,

CATHERINE L. HANAWAY  
United States Attorney

/s/ Zia M. Faruqui

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 3, 2009, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:

Kathryn Croce  
120 S. Central, Suite 130  
St. Louis, MO 63105

/s/ Zia M. Faruqui  
ZIA M. FARUQUI, 5203656